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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,711	10/17/2000	Olivier Walter	Q61269	1495

7590

06/25/2004

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EXAMINER

PHAN, MAN U

ART UNIT PAPER NUMBER

2665

DATE MAILED: 06/25/2004

[Handwritten number 7]

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/688,711

Applicant(s)

WALTER ET AL.

Examiner

Man Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment and Argument

1. This communication is in response to applicant's 04/30/2004 Amendment in the application of Walter et al. for the "telecommunications equipment" filed 10/17/2000. This application claims foreign priority based on the application 9913498 dated 10/28/1999 filed in France. The proposed amendment to the claims and response have been entered and made of record. Claims 1, 2 have been amended. Claims 1-2 are pending in the present application.

The corrected or substitute drawing were received on April 30, 2004. These drawing are accepted, and has been approved by the examiner.

In view of applicant's amendment to submit a new abstract. Therefore, examiner has withdrawn the Objections of record to the abstract of the disclosure.

The rejection of record with respect to claim 1 under 35 U.S.C. § 112, second paragraph are hereby removed based on applicant's amendment.

2. Applicant's amendment and argument to the rejected claims are insufficient to distinguish the claimed invention from the cited prior arts or overcome the rejection of said claims under 35 U.S.C. 103 as discussed below. Applicant's argument with respect to the pending claims have been fully considered, but they are not persuasive for at least the following reasons.

3. In response to Applicant's argument that there is no suggestion to combine the references, i.e., Christies and McConnell as proposed in the office action. The Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and

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secondary references. *In re Nomiya*, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 209 (CCPA 1971). It must be recognized that any judgement on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. *In re McLaughlin*, 443, F.2d 1392; 170 USPQ 209 (CCPA 1971).

On page 6, third paragraph, Applicant's argument that "generic request or specific request" does not include certain features of Applicant's invention, the limitations on which the Applicant relies as state in the specification, page 3, the second full paragraph. However, It is the claims that define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable. *Constant v. Advanced Micro-Devices Inc.*, 7 USPQ2d 1064.

4. Applicant's argument with respect to the rejected claim 1 (pages 6 and 7, last paragraph) that the cited references do not teach or suggest the "*generic requests and specific request*" as in the manner claimed. However, Christie (US#6,108,341) and McConnel (US#6,560,327) are applied herein merely for the teaching of a control processing in communications system, in which the processor is able to select network characteristics and signal the network based on the selections. The correspondence between communication control and a communications path is well known in the art. A common method used in communication control is signaling among

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switches. One method by which a first point requests a communications path to a second point is by signaling a first switch with an off-hook signal followed by dual tone multifrequency (DTMF) signals. The first switch will typically process those signals and will select other network elements such as a second switch. The first switch signals the second switch and establishes a connection between the switches (*sending the specific request to the switch module*). The second switch then selects the next network element, signals that network element, and establishes a connection to that network element (*processing the generic request until communications established to the specific element*). The connections and signaling thus proceed from switch to switch through the network until a communications path is established between the first and second points (Christies, Col. 1, lines 52 plus). As those skilled in the art are aware, connections can be described in a range from general to specific (*corresponding common to various standard or specific to each standard*). All of the media between two switches is a general description and might correspond to a virtual path in an ATM system or a trunk groups in a T1 system. An individual circuit between two elements is more specific and might correspond to a virtual channel in an ATM system or a DS0 circuit in a T1 system (Christie, Col. 4, lines 61 plus). Christie further teaches in Fig. 1 a block diagram illustrated the CCP in establishing communications, in which on a standard call that establishes a communications path from first point 170 to second point 172, first point 170 will signal Telecommunications System 110 that it requests the communications path (*sending specific request signal*). This signaling is directed to CCP 120 over first link 191. CCP 120 processes the signaling and selects at least one network characteristic in response to the signaling (*processing generic request until communications established*). Network characteristics might be network elements, connections, network codes,

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applications, or control instructions to name a few examples. The selected network characteristic typically comprises one of a plurality of network elements and/or connections. The CCP 120 generates signaling which is preferably new signaling reflecting the selection. CCP 120 then transmits the signal to at least one of a plurality of network elements before that network element has applied the signal. There are situations in which the selection of a network element and the selection of a connection signify the same thing. On Fig. 1 for example, instructing first element 131 to use first connection 141 is synonymous with an instruction to connect to second element 132. This is because the connection inevitably connects to the element. The selection of a connection may effectively select a network element, and the selection of a network element may effectively select a connection (*or a group of specific connections*) to that network element (Col. 6, lines 6 plus). Furthermore, McConnell (US#6,560,327) provides a system for communicating with a second network controller in a second telecommunications network to provide telecommunications services in a first telecommunications network. The system comprises a first network controller in the first telecommunications network a call connection system in the first telecommunications network, a plurality of service logic modules disposed in the first network controller, a database of service profiles disposed in the first network controller, and a base service logic module disposed in the first network controller. The call connection system sends query messages containing a first set of parameters to a first network controller for requesting call processing instructions and establishes a communication pathway through the first telecommunications network in response to response messages from the first network controller. The service logic modules include a mediated service logic module and a plurality of non-mediated service logic modules. Each one of the service profiles in the database is associated

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with a particular customer and identifies which service logic module to execute to provide each service available to that particular customer. The first mediated service logic module is able, when executed, to transmit an internetwork query message to a second network controller in a second network and to receive an internetwork response message from the second network controller. The base service logic module determines the relevant customer and what service is implicated from the first set of parameters and consults the database to identify the service logic module to execute to provide the implicated service. The base service logic module executes this service logic module and obtains a first output, if the service logic module is a non-mediated service logic module, and obtains a second output, if the service logic module is the mediated service logic module. (Col. 6, lines 52 plus and Col. 18, lines 22 plus). Therefore, the Examiner maintains that the references cited and applied in the last office actions for the rejection of the claims are maintained in this office action.

Claim Rejections - 35 USC ' 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 1038 and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christie (US#6,108,341) in view of McConnell (US#6,560,327).

With respect to claim 1, both Christie (US#6,108,341) and McConnell (US#6,560,327) disclose a novel method and system for communications control processing in telecommunications signaling according to the essential features of the claims. Christie provides a communications control processing in telecommunications signaling. The method includes receiving a first signal into a processor which is located externally to the switches in a network comprised of network elements. The processor selects a network characteristic in response to the first signal. The processor then generates a second signal reflecting the network characteristic and transmits the second signal to at least one network element. This transmission occurs before that network element has applied the first signal. Examples of network characteristics are network elements and connections, but there are others. Examples of signaling are Signaling System #7 or broadband signaling. The processor may also employ information received from the network elements or operational control when making selections. In one embodiment, the

method includes receiving the first signal into a network from a point and routing the first signal to the processor (Col. 3, lines 31 plus and Col. 22, lines 10 plus).

In the same field of endeavor, McConnell (US#6,560,327) provides methods and systems for using a mediated service logic to provide telecommunications services, in which a first service control point (SCP), located in the first telecommunications network, has a plurality of service logic modules, including a first mediated service logic module, and a second SCP, located in the second telecommunications network has a plurality of service logic modules, including a second mediated service logic module. When a service switching point (SSP) in the first telecommunications network determines that intelligent network services are required to process the call, it transmits a query message to the first SCP. The first SCP consults the relevant customer's service profile to determine which service logic module to execute to provide the requested service, and the first SCP then executes this service logic module. If the first mediated service logic module is thereby executed, then it transmits an internetwork query message to the second SCP to invoke the service logic needed to provide the service. The second mediated service logic module in the second SCP receives the internetwork query message, executes the necessary service logic module, and transmits to the first SCP an internetwork response message containing the information needed to provide the service (Col. 6, lines 22 plus). McConnell further teaches in Fig. 4 a functional block diagram illustrated a telecommunications network 100, in which the mediated service logic allows for communication between a LEC SCP 102 and an ASP SCP 104 (Col. 8, lines 16 plus and Col. 18, lines 22 plus).

Regarding claim 2, Christie and McConnell differ from the claim in that the claim requires a high-level interface and low-level interface for receiving signaling messages.

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However, the reliance on a commonly known standard such as the use of "high-level interface and low-level interface" in the manner claimed would have been obvious to the artisan as a matter of the communication processing, and their utilizing for "receiving signaling messages corresponding to the requests" in signaling processing is considered well known in the art when making routing choices. There are a number of software products on the market today that provide interfaces between application programs and peripheral devices. These interfaces are sometimes characterized as low or high level interfaces, and device independent or dependent. A high level interface is one whose operations request big-picture strategic services, such as "display this document." A low level interface is one whose operations request tactical services specifically, such as "tell the video card to copy the 64.times.64 pixel region from a location starting at address 0000001 to a location starting at 1000000 in video memory". In general, a high level interface may be easier for a programmer to use, but a low level interface may provide better performance and direct access to specific functionality. Ease of use at the high comes from having fewer details to take care of, while better performance at the low level comes from taking advantage of special cases the hardware handles well. In general, high level interfaces tend to be device independent because they hide details, whereas low level interfaces tend to be device dependent because they reveal details. Furthermore, Christies teaches that any intelligent interface between the two networks would require that signaling information be transmitted between narrowband switches and broadband switches. At present, the ability of these switches to signal each other is limited. These switch limitations create a major obstacle in any attempt to interface the two networks. It would be advantageous if narrowband and broadband networks could interwork through an intelligent interface to establish a communications path between

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points. At present, the interface between narrowband and broadband networks remains a rigid access pipe between overlay systems (Col. 3, lines 6 plus). Christie's processing system also includes a translator that is coupled to the interface and is operational to identify particular information in the received signaling and to generate new signaling based on new information. The processor also includes a processor that is coupled to the translator and is operational to process the identified information from the translator in order to select at least one network characteristic. The processor provides new information to the translator reflecting the selection. The identified information is used in the processor before it is used in the particular network elements that receive the new signaling (Col. 3, lines 50 plus).

One skilled in the art would have recognized the need for effectively and efficiently processing telecommunications signaling, and would have applied McConnell's teaching of the predetermined service logic module in establishing a communication pathway into Christie's novel use of the communication control processing in telecommunications signaling. Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply McConnell's method and system for providing telecommunications services using mediated service logic into Christie's methods, system and apparatus for telecommunications control with the motivation being to provide a method and system for call control in signaling processing..

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION THIS ACTION IS MADE FINAL**. See MPEP ' 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

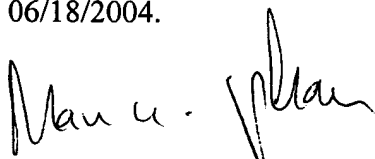
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Phan whose telephone number is (703)305-1029. The examiner can normally be reached on Mon - Fri from 6:30 to 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703)305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Mphan

06/18/2004.



MAN PHAN
PATENT EXAMINER